

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF MISSISSIPPI
SOUTHERN DIVISION

DAVID W. AIKEN, JR. AND MARILYN M. AIKEN

PLAINTIFFS

V.

CIVIL ACTION NO. 1:06cv741-LTS-RHW

RIMKUS CONSULTING GROUP, INC.,
JAMES W. JORDAN, AND USAA CASUALTY
INSURANCE COMPANY

DEFENDANTS

ORDER

Plaintiffs have filed a [307] Motion Seeking Permission to Use Exhibits During Opening Statement for illustrative purposes. One exhibit is a photograph of the Plaintiffs' home taken prior to Hurricane Katrina. The other exhibits are "three engineering reports" prepared by the engineers employed by Defendant to evaluate the condition of the house post-storm.

Parts of the Plaintiffs' motion and supporting brief resemble an opening statement. They will be allowed to show the photograph of Plaintiffs' home. However, the opening statement is not evidence, and while comment may be made about the "engineering reports" during the opening, they will only be considered by the jury when admitted into evidence.

Accordingly, **IT IS ORDERED:**

Plaintiffs' [307] Motion Seeking Permission to Use Exhibits During Opening Statement is **GRANTED IN PART** to the extent that they may show the jury a photograph of the Plaintiffs' home taken prior to Hurricane Katrina, and is **DENIED IN PART** to the extent that engineering reports may be addressed but not shown to the jury, subject to any valid objections that may be made by any defendant.

SO ORDERED this the 9th day of January, 2008.

s/ L. T. Senter, Jr.
L. T. SENTER, JR.
SENIOR JUDGE